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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,158	12/20/2001	Isabella Caniggia	11757.38USD1	4218

23552 7590 09/26/2003

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[REDACTED] EXAMINER

ANDRES, JANET L

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1646

DATE MAILED: 09/26/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

9

DATE MAILED:

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**Commissioner for Patents**

The reply filed on July 10, 2003 is not full responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant has elected group II, claims 1 and 2, in paper no. 8, but has declared an election of species to be moot in light of Applicant's traversal. Applicant must, however, elect a species even though the requirement is traversed. See 37 C.F.R. 1.1143 (b) and MPEP 818.03(b):

**37 CFR 1.143. Reconsideration of requirement.**

If the applicant disagrees with the requirement for restriction, he may request reconsideration and withdrawal or modification of the requirement, giving the reasons therefor. (See § 1.111). In requesting reconsideration the applicant must indicate a provisional election of one invention for prosecution, which invention shall be the one elected in the event the requirement becomes final. The requirement for restriction will be reconsidered on such a request. If the requirement is repeated and made final, the examiner will at the same time act on the claims to the invention elected. Election in reply to a requirement may be made either with or without an accompanying traverse of the requirement.

**818.03(b) Must Elect, Even When Requirement Is Traversed**

As noted in the second sentence of 37 CFR 1.143, a provisional election must be made even though the requirement is traversed.

Thus Applicant may traverse on the grounds that the requirement is incorrect, and may petition if the requirement is made final, but an election must be made. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet Andres, Ph.D., whose telephone number is (703) 305-0557. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, Ph.D., can be reached at (703) 308-6564. The fax phone number for this group is (703) 872-9306 or (703) 872-9307 for after final communications.

Communications via internet mail regarding this application, other than those under U.S.C. 132 or which otherwise require a

signature, may be used by the applicant and should be addressed to [yvonne.eyler@uspto.gov].

All Internet email communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Janet Andres, Ph.D.  
Patent Examiner



JANET ANDRES  
PATENT EXAMINER